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TITLE 240 STATE POLICE DEPARTMENT

Proposed Rule LSA Document #05-287

DIGEST

Amends 240 IAC 1-4-3 to increase the maximum age at appointment for police employees and to remove the requirement for postsecondary education. Amends 240 IAC 1-4-24.1 to increase the mandatory retirement age for police employees. Amends 240 IAC 1-5-5 to remove the requirement of completing two years of appointment prior to withdrawing from the department in order to be eligible for reappointment. *NOTE: LSA Document #05-287, printed at 29 IR 838, was resubmitted for publication.* Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

These changes will not add any additional costs to small businesses.

240 IAC 1-4-3

240 IAC 1-4-24.1

240 IAC 1-5-5

SECTION 1. 240 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

240 IAC 1-4-3 Applicant standards for appointment

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 3. Only those applicants for the position of police employee who meet the ~~following~~ initial standards **in this section** will be considered. **Applicants must meet the following requirements:**

- (1) ~~Must~~ Be a United States citizen.
- (2) ~~Must~~ Be at least twenty-one (21) years of age and less than ~~thirty-five (35)~~ **forty (40)** years of age when appointed as a police employee. The superintendent shall have the authority to recruit police employee applicants between eighteen (18) years of age and twenty-one (21) years of age, who otherwise meet all qualifications for the position of police employee, in order that the state police department may hire ~~such the~~ applicants in nonpolice vacancies.
- (3) ~~Must~~ Be a high school graduate as evidenced by a diploma or equivalency diploma issued by an accredited high school.
- (4) ~~Must have successfully completed either of the following:~~
 - (A) ~~Sixty (60) semester credit hours or ninety (90) quarter credit hours of postsecondary education. The credit hours must:~~
 - (i) have a minimum accumulated grade point average of 2.0 on a 4.0 grade scale; and
 - (ii) be evidenced by a certified transcript from an accredited college or university.
 - (B) ~~One (1) of the following:~~
 - (i) At least three (3) years previous, full-time paid, successful sworn law enforcement experience having graduated from a state accredited police academy in an entry level law enforcement basic training curriculum; in which the essential job functions were performed at a satisfactory or above level; as witnessed by employer or documented by employee evaluations.
 - (ii) At least two (2) years of successful, active, military duty; honorably discharged or currently serving at the rank of E-4 or above; or an equivalent rank; in a United States military service.
- (5) ~~Must~~ (4) Possess a valid driving license to operate an automobile.
- (6) ~~Must~~ (5) Be willing to do the following:
 - (A) If appointed, to reside and serve any place within Indiana as designated by the superintendent.
 - (7) ~~Must be willing~~ (B) To refrain from engaging in any political activity:
 - (i) prohibited by law; or
 - (ii) that would create a conflict of interest as an employee of the **state police** department.

(State Police Department; 240 IAC 1-4-3; filed Jan 6, 1983, 8:23 a.m.: 6 IR 322; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3375; filed

Jul 7, 1997, 8:10 a.m.: 20 IR 3005; filed Jan 24, 2000, 7:49 a.m.: 23 IR 1362)

SECTION 2. 240 IAC 1-4-24.1 IS AMENDED TO READ AS FOLLOWS:

240 IAC 1-4-24.1 Termination; mandatory retirement at 65 years of age

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 24.1. Police employees shall:

(1) be mandatorily retired on the day on which their ~~sixtieth~~ **sixth-fifth** birthday occurs, unless earlier retired for occupational qualification reasons; and ~~shall~~

(2) not be eligible for reemployment as a police officer.

(State Police Department; 240 IAC 1-4-24.1; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005; readopted filed Sep 9, 2003, 3:00 p.m.: 27 IR 286)

SECTION 3. 240 IAC 1-5-5 IS AMENDED TO READ AS FOLLOWS:

240 IAC 1-5-5 Reappointment exceptions

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 5. No person discharged from the **state police** department ~~or withdrawing before the completion of a two (2) year period of appointment~~ shall afterwards be eligible for reappointment. *(State Police Department; 240 IAC 1-5-5; filed Jan 6, 1983, 8:23 a.m.: 6 IR 330; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 23, 2006 at 9:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room N335, Indianapolis, Indiana the State Police Department will hold a public hearing on proposed amendments to increase the maximum age at appointment for police employees and remove the requirement for postsecondary education, to increase the mandatory retirement age for police employees, and to remove the requirement of completing two years of appointment prior to withdrawing from the department in order to be eligible for reappointment.

These changes will not add any additional costs to small businesses.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N340 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Anthony Sommer
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State Police Department